

## REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Objection Under 35 USC §132, and Rejection Under 35 USC §112, 1<sup>st</sup> Paragraph

This objection and rejection have been addressed by deleting the alleged new matter, namely the phrase “without requiring the user to first open the message,” from claim 1.

2. Discussion of Previous Rejection of Claims 1, 3-5, and 8-9 Based On “*Making Email Talk With MIME*” (UIC Reference) in view of Above-Listed Amendments to the Claims

Although the phrase “*without requiring the user to first open the message*” has been deleted, the amended claims are **still patentable** over the UIC reference, applied in the final Office Action but not the June 27, 2005 Official Action, on the grounds that the UIC Reference neither discloses nor suggests a mobile phone in which processing of an attachment to a message is “*immediately*” carried out by software retrieved (“found”) in response to matching of a keyword appended to the message, as recited in claim 1. Processing of MIME attachments, as described in the UIC reference, requires that the message itself be processed in order to extract the MIME types according to which the file contents may be interpreted. **Because the UIC reference first requires processing of the message in order to extract the MIME types, output of the message cannot be said to be “immediate,” as claimed, and is not based on a keyword appended to the message, also as claimed.**

In other words, whereas the receiving mobile phone of the claimed invention carries out the following steps in order to process a message:

- receive message with appended keyword;
- find message processing software according to keyword;
- immediately process message for output,

MIME requires the following additional steps, involving initial opening of a message and then opening of files of different types within the message:

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- receive MIME encoded message;
- after MIME encoded message has been opened by user, process header of MIME encoded message to determine file types included within message (based on file “extensions” (e.g., .gif, .mov, etc..)) rather than keywords;
- find processing software according to file type;
- process file.

In contrast to the claimed invention, which can immediately process for output any message for which software is available by simply comparing an appended keyword to a pre-stored keyword, the MIME protocol described in the UIC reference first requires that the user activate MIME compliant software in order to determine the MIME message types so that the appropriate software can be found, and MIME messages attached to the main message can be processed.

By way of background, MIME is an acronym for Multipurpose Internet Mail Extension, which is a standard extending the Simple Mail Transfer Protocol (SMTP) to permit data, such as video, sound and binary files, to be transmitted by Internet e-mail without having to be translated into ASCII format first. This accomplished by the use of MIME types, which describe the contents of a document. As explained in the UIC reference, the MIME types are listed in the message header of a received e-mail, which must be interpreted by MIME compliant software. **There is no suggestion in the UIC reference of simply retrieving message processing software based on a keyword in appended to the message, without having to first open the message and interpret its contents.**

It is noted that support for the recitation of immediate processing of the message for output from an output device” is found in lines 25 *et seq.* on page 5 of the original specification, and therefore does not constitute “**new matter.**”

Because the UIC reference does not disclose or suggest a protocol which immediately processes a message for output without user intervention, as claimed, based on an appended

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keyword, it is respectfully submitted that the rejection under 35 USC §103(a) is improper and withdrawal of the rejection is respectfully requested.

Having thus overcome each of the objections and rejections made in the Official Action, expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to be 'B. Urcia', with a long horizontal flourish extending to the right.

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